

**A RESOLUTION BY
TRANSPORTATION COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDATORY AGREEMENT WITH DELTA AIR LINES, INC. FOR THE REINSTATEMENT OF CERTAIN PROPERTY THAT WAS TEMPORARILY RELINQUISHED TO THE CITY OF ATLANTA BY DELTA AIR LINES, INC. FOR THE CONSTRUCTION OF THE NEW AIR TRAFFIC CONTROL TOWER; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") and Delta Air Lines, Inc. ("Delta") are parties to an Amended and Restated Lease Agreement, dated December 1, 1989, and subsequent amendments thereto ("TOC/CTSA Lease"), pursuant to which the City leases to Delta certain land and improvements at the Hartsfield-Jackson Atlanta International Airport ("H-JAIA"), which Delta uses for its Technical Operations Center ("TOC") and Central Terminal Support Area ("CTSA") and other purposes; and

WHEREAS, the City and the Federal Aviation Administration ("FAA") jointly determined that a new Air Traffic Control Tower ("ATCT") was to be constructed in support of the Runway 10-28 Project; and

WHEREAS, initially the City required the temporary use of certain portions of Delta's TOC Leasehold, as depicted in Exhibit "A", to provide the necessary physical space and safety buffers required for the construction of the ATCT; and

WHEREAS, construction of the ATCT has been completed and the City now wishes to relinquish this property back to Delta for their full use, and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor is authorized to execute on behalf of the City of Atlanta an Amendatory Agreement with Delta Air Lines for the relinquishment of certain property back to Delta for their full use.

BE IT FURTHER RESOLVED, City Attorney is directed to prepare an Amendatory Agreement or other documents as necessary for execution by the Mayor.

BE IT FINALLY BE RESOLVED, that Amendatory Agreement will not become binding on the City and the City will incur no liability upon same until such Amendatory Agreement has been executed by the Mayor, approved as to form by the City Attorney, attested to by the Municipal Clerk, and delivered to Delta.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this Legislation is to authorize an Amendatory Agreement to the Delta Air Lines DTOC/CTSA Lease.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The City of Atlanta and the Federal Aviation Administration ("FAA") required the temporary surrender of certain property leased by Delta Air Lines, to the west of their Technical Operations Center and adjacent to the new FAA Air Traffic Control Tower ("ATCT") site, for the construction of the new FAA ATCT.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Amendatory Agreement

(b) **Source Selection:** N/A

(c) **Bids/Proposals Due:** N/A

(d) **Invitations Issued:** N/A

- (e) Number of Bids: N/A
- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*): N/A

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: N/A

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: N/A

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Mark McGriff

REINSTATED PROPERTY

N6179.56
E14234.00

214.03'

City Area
Delta Released
88,200.03

328.56'

N5851.00
E14234.00

N5851.00
E14375.44

N5851.00
E14375.44

N5759.23
E14375.44

N5759.23
E14474.75

N5539.36
E14474.75

N5650.00
E14617.00

155.00'

N5959.76
E14448.03

N6179.56
E14448.03

1300.00'

N5959.76
E14483.03

N5804.76
E14483.03

N5851.00
E14617.00

N5804.76
E14602.75

83.00'

N5650.00
E14700.00

N5539.36
E14602.75

N5539.36
E14730.50

N5650.00
E14730.50

LAND LOT NO.9 - 13 LA
LAND LOT NO.10 - 13 LA

EXHIBIT
A

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

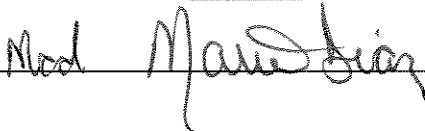
Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 1/16/08

Anticipated Committee Meeting Date(s): 1/30/08

Anticipated Full Council Date: 2/04/08

Commissioner Signature: 


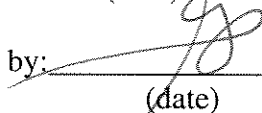
CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDATORY AGREEMENT WITH DELTA AIR LINES, INC. FOR THE REINSTATEMENT OF CERTAIN PROPERTY THAT WAS TEMPORARILY RELINQUISHED TO THE CITY OF ATLANTA BY DELTA AIR LINES, INC. FOR THE CONSTRUCTION OF THE NEW AIR TRAFFIC CONTROL TOWER; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 1.15.08  (date) Reviewed by:  (date)

Submitted to Council: _____ (date)